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October 19, 2009

VIA E-FILING

The Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E. Street, SW
Washington, DC 20423

FILED

OCT 19 2009

**SURFACE
TRANSPORTATION BOARD**

**RE: STB Docket No. NOR 42115, U.S. Magnesium L.L.C. v. Union
Pacific Railroad Company**

Dear Secretary Quinlan:

Enclosed for e-filing in the above-captioned case please find a Joint Motion for
Procedural Schedule.

Please feel free to contact me if you have any questions.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas Wilcox".

Thomas W. Wilcox

Enclosure

cc: Michael L. Rosenthal (counsel for Defendant)

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

US MAGNESIUM, L.L.C.)	
)	
)	
Complainant,)	
)	
v.)	Docket No. NOR 42115
)	
UNION PACIFIC RAILROAD COMPANY)	
)	
)	
Defendant.)	

JOINT MOTION FOR PROCEDURAL SCHEDULE.

By Complaint filed June 25, 2009, US Magnesium, L.L.C. ("USM") has challenged the reasonableness of certain common carrier rates established by the Union Pacific Railroad Company ("UP"). USM has requested that the Board determine the reasonableness of the rates using the Simplified Stand-Alone Cost standards adopted pursuant to 49 U.S.C. § 10701(d)(3) in Ex Parte No. 646 (Sub No. 1), *Simplified Standards for Rail Rate Cases* (served Sept. 5, 2007) ("*Simplified Standards*"). On September 2, 2009, the Board served a decision in this case granting a joint motion for protective order. However, the Board did not also issue an order establishing a procedural schedule to govern discovery and the submission of the parties' evidence.

Since the filing of the Complaint, the parties have followed the procedural schedule for cases filed under the Simplified Stand-Alone Cost standards set out in 49 C.F.R. § 1111.9(a)(1). The parties have conferred and are in agreement that, based on the

Complaint filing date of June 25, 2009 (Day 0), the days set out in the regulations correspond with the following dates and procedural schedule for the remainder of the case.

UP's Second Disclosure to USM	November 12, 2009
Discovery Closes	November 23, 2009
Opening Evidence	February 1, 2010
Reply Evidence	April 1, 2010
Rebuttal Evidence	May 3, 2010
Technical Conference (market dominance and merits)	May 11, 2010
Final Briefs	May 21, 2010

WHEREFORE, USM and UP jointly request that the Board adopt the procedural schedule proposed hereinabove.

Respectfully submitted,

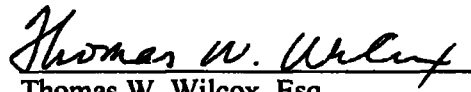


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October 19, 2009



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